

COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
MEMORANDUM

DATE: March 2, 2009

TO: Nicole Steele, Project Manager, Department of Planning

FROM: Rory L. Toth, Planner, Zoning Administration RLT

CASE NUMBER AND NAME: ZMAP 2008-0007 Fairfield at Ryans Corner; 2nd Referral
SPEX-2008-0057 Modification of R-24 ADU Front/Side Yards

TAX/MAP PARCEL NUMBERS: 79/19; 79/20; 79/20A; 79/20B; 79/20C; 79/21; 79/22; 79/23;
79/24; 119-30-8632; 088-35-1337; 119-30-7007; 119-30-6135; 119-30-9304; 088-25-2998; 119-20-
6350; 119-20-8059; 088-25-6368

APPLICATION SUMMARY:

Building and Development Zoning Staff has reviewed the above referenced rezoning (ZMAP) application for conformance with the applicable requirements of the *Revised 1993 Loudoun County Zoning Ordinance* ("Zoning Ordinance"). The applicant, Fairfield Ryans Corner, LLC ("the Applicant") seeks approval to rezone approximately 22.1 acres from R-2 (Single Family Residential) and R-16 (Townhouse/Multi-family Residential) to R-24 Affordable Dwelling Unit (Multi-family Residential) in order to permit the construction of approximately 540 multi-family dwelling units, 34 of which are intended to be ADUs. The applicant is also requesting modifications to Article 7 of the Zoning Ordinance by SPEX.

The property consists of nine parcels that are generally located on the north side of Ashburn Village Boulevard (Route 772), west of Shellhorn Road (Route 643), south of Waxpool Road (Route 625) and north of the Greenway (Route 267).

The materials submitted for review of the application consist of: (1) Information Sheet; (2) The Fairfield at Ryans Corner Zoning Map Amendment Plan ("Rezoning Plat") consisting of nine sheets, dated May 2, 2008, revised through February 13, 2009; and (3) Draft Proffer Statement dated February 13, 2009.

Based upon a review of the application, Zoning Staff offers the following comments:

I. CONFORMANCE WITH §6-1211 ZONING MAP AMENDMENTS

This section of the Ordinance requires the Planning Commission to give consideration to certain criteria, for which Zoning has the following comments. Unless the factor is specifically addressed below, Zoning defers to the appropriate County or State Agency for comment:

1. SECTION 6-1211(E)8 – *Whether a reasonable viable economic use of the Property exists under the current zoning.*— Staff maintains that a reasonable viable economic use of the property exists under the current zoning of R-16 and R-2.

II. CONFORMANCE WITH R-24 DISTRICT (§3-700) & (§7-1000)

1. Based upon a meeting with the Applicant on February 4, 2009 and their description of the use of the clubhouse, the club house will be an accessory use to the multi-family unit development, as the structure will not contain HOA facilities and will not contain meeting rooms, the clubhouse is not considered a community center and can be located in active recreation open space and not require a SPEX. It is noted that if changes of the use occur to the clubhouse at a later date that includes uses more similar to a community center, the clubhouse may not be permitted in the location shown on the Rezoning Plat. Also, pursuant to our conversation at the meeting, as the trail is not the only active recreation component provided on the property in open space, a trail in the open space may be counted toward active recreation space.
2. *Previous Comment: Pursuant to Section 7-1003(E) the Applicant is proposing a minimum of 104,200 square feet of active recreation space. However, it appears that the Applicant is calculating the proposed club house and leasing office towards the minimum required active space. Pursuant to Article 8, definitions, active recreation is defined as "Recreational uses requiring constructed facilities for organized activities, such as playing fields, ball courts and playgrounds". Please remove the club house and leasing office square footage from the active recreation space calculation. Pursuant to the Article VIII definition of open space, active, the Zoning Ordinance requires that all active recreation space be centrally located in the development and the Applicant must demonstrate that active recreation space is accessible to all residents by means of internal pedestrian walkways per Section 7-1003(E). Based upon Sheet 3 of the Rezoning Plat and the notes regarding the trail and clubhouse at the bottom of the Sheet, it is still ambiguous as to where the physical location of all active recreation will be located on the property as the active recreation spaces shown do not contain any acreage labels and what portion, if any, of the clubhouse and trail will be used for active recreation. The Rezoning Plat must be revised so that there is no ambiguity with regard to the location of active recreation space and what uses are located within it.*

3. Previous Comment: *As noted earlier, it is not clear what is included in the proposed clubhouse (meeting rooms, office?) Staff asks that the Applicant clarify this. It should be noted that this use is not permitted in the R-24. However, the use "Community Center" is permissible by special exception. Community Center is defined as "A place, structure, area, or other facility used for and providing fraternal, cultural, social, educational or recreational programs or activities, or swimming pools, tennis courts and similar facilities of a homeowners association, open to the public or a designated part of the public, and which may be publicly or privately owned". Depending on the nature and extent of the proposed use, it may be considered an accessory use to the development or a principal use. Please clarify and provide additional information regarding the proposed facility and use. See Comment #1 above.*
4. Staff continues to be concerned that (Sheet 3) does not contain enough information to demonstrate that the location, height and off-street parking for the MF buildings will meet the regulations of the Zoning Ordinance. Furthermore, Sheet 3 does not show the buildings in relationship to the required and proposed modified yards. Sheet 4 which shows the location of buildings is illustrative in nature and is not proffered.

III. MODIFICATIONS TO R-24 ADU FRONT/SIDE YARDS BY SPEX

The Applicant has requested a modification of the minimum required front yard and side yard regulations of the R-24 ADU Sections 7-1003(C) (1) and (2). It is noted that pursuant to Section 7-1003(C)(4) the minimum yard requirements for affordable dwelling unit developments may be modified by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 6-1300 of the Zoning Ordinance. The Applicant submitted SPEX-2008-0057, which is processing concurrently with this ZMAP application, to modify the R-24 ADU front and side yard regulations.

The proposed modifications requested are as follows:

(1) 7-1003(C)(1) Yards – Front

Proposed Modification - Request modification to permit the reduction of the required minimum front yard from 25 feet to 18 feet adjacent to a property line or private access easement.

Applicant's Justification –The Applicant states that they are seeking a modification of the front yard to 18 feet due to a front yard modification that is often times brought forward at time of site plan.

Staff comment –See Comment #2 in Modification Section below.

(2) 7-1003(C)(2) Yards- Side

Proposed Modification - Request modification to permit the reduction of the required side yard from 25 feet minimum on corner lots to 10 feet

Applicant's Justification – The Applicant is requesting a side yard modification as a precaution to allow the detached garages to be located along side the Parkside at

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Ashburn boundary.

Staff comment – The required yard along the Parkside at Ashburn is a front yard, not a side yard. In addition, justification for modifications of ADU yard regulations by SPEX must be addressed pursuant to Section 6-1300. The Applicant must provide justification for the modifications of the yards pursuant to the SPEX criteria and the developments design rather than stating the modification is needed as a precaution or due to an issue that may arise at the time of site plan. It is noted that the Zoning Ordinance regulations are not be used as justification for a modification.

IV. REZONING PLAT COMMENTS

1. With regard to the plat, CDPs are associated with PD-H development rezoning applications. It is noted that there is an inconsistency between the proffers and the plat as the proffer statement uses the term 'rezoning plat' and the plat uses the term "concept development plan." Per Section 6-403(B), replace all references to "CDP" on the plat with "Rezoning Plat."
2. A note on Sheet 3 states that "existing vegetation to be preserved or relocated shall count towards buffer planting requirements." It is unclear what existing vegetation areas on the plat are being preserved and/or are to be relocated.

V. PROFFER STATEMENT

1. **Opening Paragraph.** With regard to the opening paragraph, Staff is concerned that that Sheet 3 does not contain enough information to enable review for conformance with the Zoning Ordinance with regard to building location, building height and required off-street parking.
2. **Proffer IV. 8.D. Regional Road Improvement Contribution/Improvements.** The Applicant responded that in the event the cost of the sidewalk is greater than \$40,400.00, the Applicant will bear the cost to complete the improvement. Staff recommends that proffer language be drafted that reflects this response and that the Applicant will be responsible for such additional cost in the event the cost of the improvement is more than \$40,400.00.
3. **Proffer V. 17. Pedestrian Network.** Staff recommends that this proffer address the off-site trails shown on Sheet 5 of the rezoning plat with respect to who will be responsible for the construction, maintenance and timing of construction for off-site trails and sidewalks. Also, it is not clear why the sentence "If sidewalks and trails are not specifically shown on the Rezoning Plat..." is included in the proffer as the previous sentence states that the pedestrian circulation system shown on Sheet 5 that includes sidewalks and trails as shown on Sheet 5 will be built in substantial conformance with the circulation system illustrated on Sheet 5.
4. **Proffer VII.24. Active Recreation/Community Amenities.** See Previous Comment in II.1 of this referral with regard to active recreation space and the type of

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uses permitted therein. The proffer states that a meeting space for residents will be located within the clubhouse. It is Staff understanding per the meeting on February 4, 2009 that there would be no meeting rooms in the clubhouse. Meeting rooms in the clubhouse make the use most similar to a community center, which is not allowed in the active recreation space and requires a SPEX in the R-24 zoning district. Clarify the proffer. The proffer must be drafted in a manner that the uses/amenities proposed in active recreation space are permitted as per the Article VIII definition of recreation space, active. Staff also recommends that the number and size of the two pools shown on Sheet 3 are proffered.

5. **Proffer IX. 28 and 29 BMPs and LID.** Staff recommends that these environmental measures be shown on the first site plan submitted for the subject property.
6. **Proffer IX. 33, 34 and 35 Construction Waste Management, Water Conservation and Energy Efficiency.** The Zoning Ordinance requires that proffers be administered and enforceable. Staff notes that these proffers must contain a trigger as to when the construction waste management plan will be created and implemented and how/when the Applicant will demonstrate that the water conservation measures and high efficiency appliances will be done. In addition, it is not clear as to the number and type of water and energy conservation appliances or devices being offered.

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COUNTY OF LOUDOUN

DEPARTMENT OF BUILDING AND DEVELOPMENT

MEMORANDUM

DATE: December 30, 2008

TO: Nicole Steele, Project Manager, Department of Planning

FROM: Rory L. Toth, Planner, Zoning Administration 

CASE NUMBER AND NAME: ZMAP 2008-0007 Fairfield at Ryans Corner; 2nd Referral
SPEX-2008-0057 Modification of R-24 ADU Front/Side Yards

TAX/MAP PARCEL NUMBERS: 79/19; 79/20; 79/20A; 79/20B; 79/20C; 79/21; 79/22; 79/23; 79/24; 119-30-8632; 088-35-1337; 119-30-7007; 119-30-6135; 119-30-9304; 088-25-2998; 119-20-6350; 119-20-8059; 088-25-6368

APPLICATION SUMMARY:

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The property consists of nine parcels that are generally located on the north side of Ashburn Village Boulevard (Route 772), west of Shellhorn Road (Route 643), south of Waxpool Road (Route 625) and north of the Greenway (Route 267).

The materials submitted for review of the application consist of: (1) Information Sheet; (2) Statement of Justification dated November 10, 2008; (3) The Fairfield at Ryans Corner Zoning Map Amendment Plan ("Rezoning Plat") consisting of nine sheets, dated May 2, 2008, revised through October 16, 2008; and (4) Draft Proffer Statement dated November 10, 2008.

Based upon a review of the application, Zoning Staff offers the following comments:

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I. CRITICAL ISSUES:

1. Previous Comment: *The Statement of Justification indicates that the area being rezoned is 22.12 acres while the Land Use Summary at the top right corner of sheet number three of the Concept Plan indicates that it is 22.5 acres (due to the inclusion of 0.4 acres of road dedication along Waxpool Road) and note number 2 on the Cover Sheet of the rezoning plan indicates 22.18 acres. Please clarify if the 0.4 acres along Waxpool Road is already dedicated or not, as that determines calculation of density. Based on Staff's calculation of the nine parcel and county records, the total acreage is 22.12 acres. Clarify. Comment resolved.*
2. Previous Comment: *On Sheets 3, CDP, the club house use and leasing office are depicted under the category "Active Recreation Space". It appears that the Applicant is calculating the proposed club house and leasing office towards the minimum required active space. Pursuant to Article 8, definitions, active recreation is defined as "Recreational uses requiring constructed facilities for organized activities, such as playing fields, ball courts and playgrounds". Please remove the club house and leasing office square footage from the active recreation space calculation. Please note however, that the swimming pool and associated bath house is considered active recreation space. Staff asks that the Applicant provide additional information on the square footage of the club house and leasing office, the nature and intent of the use, so it can be determined if the proposed use is a principal use or accessory to the development. The leasing office/clubhouse/pool use proposed is more similar to a community center, which requires a SPEX in the R-24 zoning district. Furthermore, additional information requested at 1st submission is required to determine whether the use is allowed in active recreation space and meets the definition of recreation space, active in Article VIII of the Zoning Ordinance. Comment not resolved. Furthermore, Sheet 5 contains a legend that states the 10 foot wide asphalt trail is active recreation. Pursuant to the Article VIII definition of recreation space, active, areas used for active recreation are to be flat, open well-drained usable space configured in squares or greens. Unless configured as part of a green or square, the active recreation trail cannot count toward required active recreation space.*

II. CONFORMANCE WITH §6-1211 ZONING MAP AMENDMENTS

This section of the Ordinance requires the Planning Commission to give consideration to certain criteria, for which Zoning has the following comments. Unless the factor is specifically addressed below, Zoning defers to the appropriate County or State Agency for comment:

1. SECTION 6-1211(E)1 - *Whether the Proposed Zoning District Classification is consistent with the Comprehensive Plan* – Zoning defers to Community Planning for comments.
2. SECTION 6-1211(E)3 - *Whether the Range of Uses in the Proposed Zoning District*

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Classification are Compatible with the Uses Permitted on other Properties in the Immediate Vicinity – The application is adjacent to developments zoned at densities of 2 units/acre (R-2) and 16 units/acre (R-16). Therefore, the proposed rezoning to R-24 is at a much higher density than the surrounding developments. Staff continues to be concerned about the proposed increased density on the property. Staff further defers to Community Planning to determine compatibility of the proposed uses with the planned land use in the surrounding area.

3. SECTION 6-1211(E)4 - *Whether adequate utility, sewer and water, transportation, school and other facilities exist or can be provided to serve the uses that would be permitted on the Property if it were rezoned* - Staff notes that the proposed increased residential density will increase school sizes, probably affect traffic volume and other infrastructure in the area. Staff asks the Applicant to address this, and defers to Community Planning and OTS (Office of Transportation) for comment. Further, Staff defers to other referral agencies such as Loudoun County School Board, Library Services, Parks and Recreation to comment on the adequacy of schools and other facilities for the development and the contributions provided in the proffer statement to meet these needs.
4. SECTION 6-1211(E)7 – *The impact that the uses that would be permitted if the property were rezoned will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity and whether the proposed rezoning uses sufficient measures to mitigate the impact of through construction traffic on existing neighborhoods and school areas* – Staff notes that the Applicant is proposing contributions in the proffer statement to help offset the impact on the facilities that will serve this development. Staff defers additional comment to OTS, VDOT to determine whether the contributions meet the needs of the County. Also, depict the location of the proposed bus shelter on the rezoning plat.
5. SECTION 6-1211(E)8 – *Whether a reasonable viable economic use of the Property exists under the current zoning.* – Staff maintains that a reasonable viable economic use of the property exists under the current zoning of R-16 and R-2.
6. SECTION 6-1211(E)15 - *The effect of the proposed rezoning to provide moderate housing by enhancing opportunities for all qualified residents of Loudoun County.* – The Applicant is proposing to provide 34 affordable dwelling units in the development.

III. CONFORMANCE WITH R-24 DISTRICT (§3-700) & (§7-1000)

1. Previous Comment: *On Sheet 3, provide the Tabulations and Zoning Requirements (both proposed and minimum required/maximum allowed) of the R-24 zoning districts (Section 7-1000 and applicable regulations of Section 3-700) such as lot and building requirements to include lot size, lot width, yards, lot coverage, building height and development standards.* The proposed and minimum required/maximum allowed lot coverage, lot width and building height was not provided on Sheet 3.

Staff is unable to review the plat for conformance with the Zoning Ordinance.

2. Pursuant to Section 7-1003(E) the Applicant is proposing a minimum of 104,200 square feet of active recreation space. However, it appears that the Applicant is calculating the proposed club house and leasing office towards the minimum required active space. Pursuant to Article 8, definitions, active recreation is defined as "*Recreational uses requiring constructed facilities for organized activities, such as playing fields, ball courts and playgrounds*". Please remove the club house and leasing office square footage from the active recreation space calculation. Pursuant to the Article VIII definition of open space, active, the Zoning Ordinance requires that all active recreation space be centrally located in the development and the Applicant must demonstrate that active recreation space is accessible to all residents by means of internal pedestrian walkways per Section 7-1003(E).
3. Previous Comment: *As noted earlier, it is not clear what is included in the proposed clubhouse (meeting rooms, office?) Staff asks that the Applicant clarify this. It should be noted that this use is not permitted in the R-24. However, the use "Community Center" is permissible by special exception. Community Center is defined as "A place, structure, area, or other facility used for and providing fraternal, cultural, social, educational or recreational programs or activities, or swimming pools, tennis courts and similar facilities of a homeowners association, open to the public or a designated part of the public, and which may be publicly or privately owned". Depending on the nature and extent of the proposed use, it may be considered an accessory use to the development or a principal use. Please clarify and provide additional information regarding the proposed facility and use.* Comment not resolved.
4. Previous Comment: *Staff cannot verify conformance with the minimum lot requirements of the R-24 zoning district as it is not clear whether the project is to be developed as a single lot or multiple lots. Please clarify.* The Applicant responded that the project is to be developed as a single lot. However, the rezoning plat does not show the location of buildings, building height or lot coverage on the property. Furthermore, Sheet 4 shows the location of buildings is illustrative in nature and is not proffered.

IV. MODIFICATIONS TO R-24 ADU FRONT/SIDE YARDS BY SPEX

The Applicant has requested a modification of the minimum required front yard and side yard regulations of the R-24 ADU Sections 7-1003(C) (1) and (2). It should be noted that pursuant to Section 7-1003(C)(4) the minimum yard requirements for affordable dwelling unit developments may be modified by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 6-1300 of the Zoning Ordinance. The Applicant submitted SPEX-2008-0057, which is processing concurrently with this ZMAP application, to modify the R-24 ADU front and side yard regulations.

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The proposed modifications requested are as follows:

(1) 7-1003(C)(1) Yards – Front

Proposed Modification - Request modification to permit the reduction of the required minimum front yard from 25 feet to 18 feet adjacent to a property line or private access easement.

Applicant's Justification –The Applicant states that it is seeking to achieve an innovative design resulting in a unified and compact residential development allowing reduced distances between buildings and property lines.

Previous Staff comment –It is not clear as to what the extent of the modification is. Staff asks that the Applicant identify the location and depict the extent of the modification on the CDP. It is also not clear as to whether the project will be developed as a single parcel or multiple parcels. If developed as a single parcel, then the front yard requirements would apply adjacent to Waxpool Road, Shellhorn Road, Ashburn Village Boulevard, the Dulles Greenway Ramp and the proposed 30 foot access easement to the west of the property. The minimum 25 foot front yard must be measured from the edge of the private access easement and the road right of way. If the site is to be developed as multiple lots, then it appears that the Applicant may not meet the requested 18' yard from private access easements. Please clarify this and clearly depict on the CDP public streets, private streets, private access easement and travel ways. Staff questions what benefit reduced front and side yards will provide in this development as the application is only providing the minimum required active recreation space by the Zoning Ordinance, some of which may not be able to be counted toward active recreation space.

(2) 7-1003(C)(2) Yards- Side

Proposed Modification - Request modification to permit the reduction of the required side yard from 25 feet minimum on corner lots to 10 feet

Applicant's Justification – The Applicant states that it is seeking to achieve an innovative design resulting in a unified and compact residential development allowing reduced distances between buildings and property lines.

Previous Staff comment – It is not clear as to what the extent of the modification is. Staff asks that the Applicant identify the location and depict the extent of the modification on the CDP. Staff questions what benefit reduced front and side yards will provide in this development as the application is only providing the minimum required active recreation space by the Zoning Ordinance, some of which may not be able to be counted toward active recreation space.

V. CONFORMANCE WITH ADDITIONAL REGULATIONS & STANDARDS

A. SECTION 5-1100, OFF-STREET PARKING & LOADING REQUIREMENTS

Previous Comment: *Sheet 3 notes that an average of 1.65 spaces/unit is estimated for the development. In order to evaluate impacts and assure that the required number of parking and loading spaces can be provided, and to avoid the possibility of nonconformance issue with the Plat at the time of Site Plan, staff recommends that the required and proposed parking and loading spaces for all uses be provided at this time. It should be noted that with regard to residential uses, garages and driveway count towards parking spaces. The application should include the number of bedrooms for all multi-family units, since parking tabulations are calculated based on bedroom count (§ 5-1102(E)). For example, a one bedroom unit requires 1.5 parking spaces/unit and a two or three bedroom unit requires 2 parking spaces/unit. Comment not resolved. The Applicant's SOJ states that the number of each type of bedroom unit is not known at this time. Staff is unable to review for conformance with the Zoning Ordinance with regard to the number of required and proposed off-street parking without this information.*

VI. REZONING PLAT COMMENTS

1. With regard to the plat, CDPs are associated with PD-H development rezoning applications. Replace all references to a "CDP" with "Rezoning Plat."
2. Generally, on Sheet 3, any label that references a required yard should not contain the word "setback."
3. Add the application number for the special exception to all sheets so that they read "SPEX-2008-0057."
4. A note on Sheet 3 states that "existing vegetation to be preserved shall count towards buffer planting requirements." It is unclear what existing vegetation areas on the plat are being preserved and/or are within a tree save area.
5. In general, as this development is proposed to be gated community, Staff is concerned how fire and rescue personnel will gain access to the site in the event of an emergency. The Applicant needs to address this concern. Staff recommends emergency access points for the development. Staff defers additional comment to Fire and Rescue Services on this issue.

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VII. PROFFER STATEMENT

1. **Opening Paragraph.** With regard to the opening paragraph, Staff questions why only Sheets 1, 3, 5, and 9 are proffered. Staff is concerned that that these Sheets do not contain enough information to enable review for conformance with the Zoning Ordinance with regard to lot coverage, building height and required off-street parking.
2. **Proffer II. 4. Capital Facilities. Capital Facilities Contribution.** Staff defers to Dan Csizmar, Capital Facilities Planner, to comment on the adequacy and use of the contributions proposed with this proffer.
3. **Proffer III. Fire and Rescue Services. Fire Suppression Systems.** Staff notes that there is no trigger as to how and when this proffer is to be initiated and completed.
4. **Proffer IV. 8.C. Regional Road Improvement Contribution/Improvements.** Staff questions how the sum of \$25,000.00 was derived and questions why the Applicant is not constructing the trail mentioned therein. Also, the language explaining where the trail along Waxpool Road will be constructed/located is vague.
5. **Proffer IV. 8.D. Regional Road Improvement Contribution/Improvements.** Staff recommends that the proffer address what will occur in the event the cost of the improvement is more or less than \$40,400.00.
6. **Proffer IV. 10 Waxpool Road (Route 625) Reservation and Dedication.** Staff notes that the rezoning plat labels the reservation area as ROW Dedication. Please clarify.
7. **Proffer IV. 14. Bus Shelter.** Staff recommends that the location of the proffered bus shelter be shown on the rezoning plat.
8. **Proffer V. 17. Pedestrian Network.** Staff recommends that this proffer address the off-site trails shown on Sheet 5 of the rezoning plat with respect to who will be responsible for the construction, maintenance and timing of construction for off-site trails and sidewalks. Staff recommends the phrase "Sidewalks shall be constructed concurrently with the development of land..... be amended as the timing of construction is vague.
9. **Proffer V.18.B. Pedestrian Island and Crosswalks.** Staff recommends that the Applicant provide typical details and/or renderings of the enhanced pedestrian crosswalks.
10. **Proffer V.20. Bicycle Racks.** Staff recommends that the location and quantity of bicycle racks be added into the proffer and shown on the rezoning plat.

11. **Proffer VII.24. Active Recreation/Community Amenities.** See Previous Comment in I.2 Critical Issues with regard to active recreation space and the type of uses permitted therein. In addition, the statement “If pocket parks, landscaped gardens...are designated on the Rezoning Plat.....” is vague and unenforceable. The rezoning plat does not show any of these types of amenities and must be clarified. The proffer must be drafted in a manner that the uses/amenities proposed in active recreation space are permitted as per the Article VIII definition of recreation space, active.
12. **Proffer VIII.26. Façade Materials and Design.** Staff recommends that language be added to the proffer that states that ADU units will be of a size and comparable architectural style to the market rate multi-family units and be properly dispersed throughout the development amongst the market rate units in accordance with Article 7 of the Zoning Ordinance.
13. **Proffer IX.31. Landscaping Plan.** It is unclear what the phrase “The landscaping plan shall give special consideration to the subject property’s frontage.....” means as it is vague and unenforceable.
14. **Proffer X. 33. Noise Impact.** Staff recommends that the proffer clarify what is meant by “appropriate measures.”

Note: Second Submission Comments dated December 30, 2008 from William Marsh of the Environmental Review Team are included in this referral as attached.

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DEPARTMENT OF BUILDING AND DEVELOPMENT

COUNTY OF LOUDOUN

MEMORANDUM

DATE: December 30, 2008

TO: Mark Stultz, Zoning Administration
Rory Toth, Zoning Administration

FROM: William Marsh, Environmental Review Team Leader

THROUGH: Gary Clare, Chief Engineer

CC: Sarah Milin, Department of Planning
Dana Malone, County Urban Forester

SUBJECT: ZMAP-2008-0007 Fairfield at Ryans Corner

The Environmental Review Team (ERT) reviewed this application on August 26, 2008, and visited the site on July 28, 2008. Our comments pertaining to the second submittal are as follows:

Regarding tree resources, open space and buffers

1. The applicant has expressed interest in considering transplanting healthy, invigorated trees to proposed open space areas and in planting along road frontages. Draft proffers 30 and 31 address these issues. Staff recommends more specific details and is available to work with the applicant on these issues.

Regarding green building

2. In response to the first referral, the applicant expressed an interest in pursuing green building design features with this application. Staff looks forward to working on this with the applicant, including design for recreation facilities. Staff also inquires as to whether the proposed swimming pools will be open year-round (heated or enclosed.)

Wetlands

3. Note 30 of Sheet 1 of the rezoning application specifies several jurisdictional determinations (j-d) affecting the project area. The applicant's responses also indicate that all wetland permits have been approved. Staff has met with the Corps of Engineers and could not verify whether j-d's and/or permits have been issued for the entire project area. Staff recommends a meeting with the applicant to compare notes and clarify this issue.

Noise impacts

4. The applicant has agreed to perform a noise study to account for road traffic, as recommended during the first review and shown on draft proffer 33. Staff recommends the following traffic study features that have been considered in previous applications:

- Submitting the traffic study concurrent with the first site plan or construction plan submittal, sealed by a professional engineer.
- Performing the study based on the ultimate road configuration as defined in the Revised Countywide Transportation Plan and the ultimate design speed. Traffic volumes for these roadways are consistent with either the 2030 forecast from the Loudoun County Transportation Forecasting Model or volumes projected at a time 10-20 years from the start of construction as confirmed by the Office of Transportation Services, based on the latest horizon year.
- Where noise attenuation measures are needed, giving priority to passive measures (to include adequate setbacks, earthen berms, wooden fences, and vegetation) over structural measures (to include sound walls.)
- Noise attenuation measures that reduce noise levels to less than impact levels (2 decibels less than the Noise Abatement Criteria) and that result in a noise reduction of at least 5 decibels.

Bicycle-pedestrian connectivity between developments

5. Staff has reviewed the bicycle and pedestrian commitments offered by the applicant with this submittal. The following recommendations are consistent with Pedestrian and Bicycle Facility Policy 5 of the Countywide Transportation Plan and land development policy 6 of the Bicycle and Pedestrian Mobility Master Plan:

- Staff recommends clarifying whether bicycle and pedestrian access through the site is available at all hours of the day. This is not clear with this current submittal.
- Staff concurs with the Community Planner about improving pedestrian access across Ashburn Village Boulevard to the Ryan Park Center. Staff also recommends a multi-use trail be shown around the perimeter of the existing stormwater pond. A maintenance path has to be maintained around the perimeter regardless of whether the applicant agrees to this recommendation.
- Staff recommends widening two of the east-west oriented 5-foot sidewalks to multi-purpose trails to improve connectivity between the residential development east and west of the site. Staff also recommends a multi-use trail along the western boundary of the project area. The widened trails would

further justify the zoning modification request for reduced front and side yards.

- Staff commends the applicant for offering 80 secure, bicycle parking spaces, approximately one storage space for 14.8 percent of the 540 units. A design guideline included in Leadership in Energy and Environmental Design (LEED) encourages secure bicycle storage for at least 15 percent of all residential occupants (see Credit 4.2 in the New Construction Technical Reference Manual.) Staff recommends increasing the available spaces to about 100 spaces, thereby providing parking for 18.5 percent of all units. Staff also recommends that the parking spaces be covered to protect equipment from the elements.

Regarding stormwater management

6. Staff has reviewed the stormwater responses and commitments offered by the applicant with this submittal and provides the following recommendations:
 - Staff recommends removing draft proffer 28, which only provides commitments to meet existing stormwater regulations. As currently worded, this proffer is already a requirement under state and local laws and ordinances.
 - Staff recommends applications of bioretention areas throughout the site to augment the stormwater benefit provided by a pond retrofit. Bioretention areas that are included in open space areas and pocket parks do not require permanent irrigation, thereby furthering water conservation on site, consistent with Surface Water Policy 2 of the Revised General Plan, page 5-17.

Staff would appreciate the opportunity to meet with the applicant and the engineer to engage in additional discussion regarding these issues. Please contact me if you need any additional information as you complete your review.

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COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
MEMORANDUM

DATE: September 5, 2008

TO: Nicole Steele, Project Manager, Department of Planning

FROM: Val Thomas, Planner, Zoning Administration *VT*

THROUGH: Mark Stultz, Assistant Zoning Administrator *MS*

CASE NUMBER AND NAME: ZMAP 2008-0007; Fairfield at Ryans Corner; 1st Referral

TAX/MAP PARCEL NUMBERS: 79/19; 79/20; 79/20A; 79/20B; 79/20C; 79/21; 79/22; 79/23; 79/24; 119-30-8632; 088-35-1337; 119-30-7007; 119-30-6135; 119-30-9304; 088-25-2998; 119-20-6350; 119-20-8059; 088-25-6368

APPLICATION SUMMARY:

Building and Development Zoning Staff has reviewed the above referenced rezoning (ZMAP) application for conformance with the applicable requirements of the *Revised 1993 Loudoun County Zoning Ordinance* ("the Ordinance"). The applicant, Fairfield Ryans Corner, LLC ("the Applicant") seeks approval to rezone approximately 22.1 acres from R-2 (Single Family Residential) and R-16 (Townhouse/Multi-family Residential) to R-24 Affordable Dwelling Unit (Multi-family Residential) in order to permit the construction of approximately 596 multi-family dwelling units, 38 of which are intended to be ADUs. The applicant is also requesting modifications to Section 7 of the Zoning Ordinance.

The property consists of nine parcels that are generally located on the north side of Ashburn Village Boulevard (Route 772), west of Shellhorn Road (Route 643), south of Waxpool Road (Route 625) and north of the Greenway (Route 267).

The materials submitted for review of the application consist of: (1) Information Sheet; (2) Statement of Justification dated May 2, 2008; (3) The Fairfield at Ryans Corner Zoning Map Amendment Plan ("the plan") consisting of the Cover Sheet (Sheet 1), Context Map (Sheet 2), Concept Development Plan (Sheet 3), Illustrative Plan (Sheet 4), Pedestrian and Vehicle Circulation Plan (Sheet 5), Combined Land Use Plan (Sheet 6), Green Infrastructure Analysis and Vegetative Cover Map (Sheet 7), Existing Conditions Plat (Sheet 8), and Overall Boundary, Owners and Rezoning Plat (Sheet 9) all revised through June 24, 2008.

Based upon a review of the application, Zoning Staff offers the following comments:

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I. CRITICAL ISSUES:

1. Because the Applicant must request a special exception for modifications to the regulations of the R-24 zoning district (Section 7-1003(C)) a special exception application number must be assigned and processed concurrently with this rezoning application. The Applicant must address in the Statement of Justification (SOJ), the criteria of special exception in Section 6-1310.
2. The Statement of Justification indicates that the area being rezoned is 22.12 acres while the Land Use Summary at the top right corner of sheet number three of the Concept Plan indicates that it is 22.5 acres (due to the inclusion of 0.4 acres of road dedication along Waxpool Road) and note number 2 on the Cover Sheet of the rezoning plan indicates 22.18 acres. Please clarify if the 0.4 acres along Waxpool Road is already dedicated or not, as that determines calculation of density. Based on Staff's calculation of the nine parcel and county records, the total acreage is 22.12 acres. Clarify.
3. On Sheets 3, CDP, the club house use and leasing office are depicted under the category "Active Recreation Space". It appears that the Applicant is calculating the proposed club house and leasing office towards the minimum required active space. Pursuant to Article 8, definitions, active recreation is defined as "*Recreational uses requiring constructed facilities for organized activities, such as playing fields, ball courts and playgrounds*". Please remove the club house and leasing office square footage from the active recreation space calculation. Please note however, that the swimming pool and associated bath house is considered active recreation space. Staff asks that the Applicant provide additional information on the square footage of the club house and leasing office, the nature and intent of the use, so it can be determined if the proposed use is a principal use or accessory to the development.

II. CONFORMANCE WITH §6-1211 ZONING MAP AMENDMENTS

This section of the Ordinance requires the Planning Commission to give consideration to certain criteria, for which Zoning has the following comments. Unless the factor is specifically addressed below, Zoning defers to the appropriate County or State Agency for comment:

1. SECTION 6-1211(E)1 - *Whether the Proposed Zoning District Classification is consistent with the Comprehensive Plan* – Zoning defers to Community Planning for comments.
2. SECTION 6-1211(E)3 - *Whether the Range of Uses in the Proposed Zoning District Classification are Compatible with the Uses Permitted on other Properties in the Immediate Vicinity* – The application is adjacent to developments zoned at densities of 2 units/acre (R-2) and 16 units/acre (R-16). Therefore, the proposed rezoning to

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R-24 is at a much higher density than the surrounding developments. Further, the Applicant is providing affordable dwelling units, utilizing the bonus density of Article VII and increasing the proposed density up to 26.5 units/acre. Staff is concerned about the proposed increased density on the property. Staff further defers to Community Planning to determine compatibility of the proposed uses with the planned land use in the surrounding area.

3. SECTION 6-1211(E)4 - *Whether adequate utility, sewer and water, transportation, school and other facilities exist or can be provided to serve the uses that would be permitted on the Property if it were rezoned* - Staff notes that the proposed increased residential density will increase school sizes, probably affect traffic volume and other infrastructure in the area. Staff asks the Applicant to address this, and defers to Community Planning and OTS (Office of Transportation) for comment. Further, Staff defers to other referral agencies such as Loudoun County School Board, Library Services, Parks and Recreation to comment on the adequacy of schools and other facilities for the development.
4. SECTION 6-1211(E)7 - *The impact that the uses that would be permitted if the property were rezoned will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity and whether the proposed rezoning uses sufficient measures to mitigate the impact of through construction traffic on existing neighborhoods and school areas* - It is noted that increasing the density through the rezoning process will probably increase the volume of traffic in the vicinity. Zoning Staff defers to OTS and VDOT to further comment on the impact of the rezoning proposal on the volume of vehicular and pedestrian traffic and traffic safety in the vicinity.
5. SECTION 6-1211(E)8 - *Whether a reasonable viable economic use of the Property exists under the current zoning.* - Staff believes that a reasonable viable economic use of the property exists under the current zoning of R-16 and R-2.
6. SECTION 6-1211(E)9 - *The effect of the proposed rezoning on environmentally sensitive land or natural features, wildlife habitat, vegetation, water quality and air quality* Staff recommends that the Applicant identify areas of existing vegetation that will be preserved, if any, and show such areas on a proffered plan. Staff further defers to the Environmental Review Team for further comment on the impact to environmentally sensitive land or natural features, wildlife habitat, vegetation, water quality and air quality.
7. SECTION 6-1211(E)12 - *Whether the proposed rezoning considers the current and future requirements of the communities to land for various purposes as determined by population and economic study* - Staff defers to Community Planning for comment.
8. SECTION 6-1211(E)15 - *The effect of the proposed rezoning to provide moderate housing by enhancing opportunities for all qualified residents of Loudoun County.* -

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The Applicant is proposing to provide 38 affordable dwelling units in the development. See part *IV* below for additional comments.

III. CONFORMANCE WITH R-24 DISTRICT (§3-700) & (§7-1000)

The rezoning plan set should state in the Notes section, that the project will be developed in accord with all regulations for the R-24 Zoning Districts of the *Revised 1993 Loudoun County Zoning Ordinance*. All subsequent Subdivision Plans or Site Plans must show how the R-24 zoning district requirements are met.

1. On Sheet 3, provide the Tabulations and Zoning Requirements (both proposed and minimum required/maximum allowed) of the R-24 zoning districts (Section 7-1000 and applicable regulations of Section 3-700) such as lot and building requirements to include lot size, lot width, yards, lot coverage, building height and development standards.
2. Pursuant to Section 7-1003(E) the Applicant is proposing a minimum of 114,600 square feet of active recreation space. However, it appears that the Applicant is calculating the proposed club house and leasing office towards the minimum required active space. Pursuant to Article 8, definitions, active recreation is defined as "*Recreational uses requiring constructed facilities for organized activities, such as playing fields, ball courts and playgrounds*". Please remove the club house and leasing office square footage from the active recreation space calculation. Staff recommends that all active recreation space is provided to be centrally located in the development. Further, the Applicant must demonstrate that active recreation space is accessible to all residents by means of internal pedestrian walkways (§ 7-1003(E)).
3. As noted earlier, it is not clear what is included in the proposed clubhouse (meeting rooms, office?) Staff asks that the Applicant clarify this. It should be noted that this use is not permitted in the R-24. However, the use "Community Center" is permissible by special exception. Community Center is defined as "*A place, structure, area, or other facility used for and providing fraternal, cultural, social, educational or recreational programs or activities, or swimming pools, tennis courts and similar facilities of a homeowners association, open to the public or a designated part of the public, and which may be publicly or privately owned*". Depending on the nature and extent of the proposed use, it may be considered an accessory use to the development or a principal use. Please clarify and provide additional information regarding the proposed facility and use.
4. Staff cannot verify conformance with the minimum lot requirements of the R-24 zoning district as it is not clear whether the project is to be developed as a single lot or multiple lots. Please clarify.
5. Section 3-702(B) requires that the development provide pedestrian linkages to planned or existing employment centers, shopping centers or other community

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support services. Demonstrate conformance with this requirement of the Ordinance.

6. Demonstrate that supporting shopping and commercial development exists or is planned in the vicinity (Section 3-702(D)).
7. Staff defers to Community Planning to determine that the proposed development is in an area planned or served by public transit, or designated for public transit in the Comprehensive Plan (Section 3-702(E)). If so, Staff recommends that bus shelter (s) be provided in the development.
8. The Illustrative Plan on Sheet 4 depicts off-street parking between buildings and streets for the development. Pursuant to Section 3-708(B), no such parking is permitted unless sufficiently bermed and screened so that the parking areas are not visible from the street. Demonstrate conformance with this section adjacent to all the streets.
9. Include a note on the CDP stating that residences to be served by private roads shall be subject to a recorded covenant expressly requiring private maintenance of such road in perpetuity and the establishment, commencing with the initial record plat, of a reserve fund for repairs to such road. In addition, please note that the record plat and protective covenants for such development shall expressly state that the County and VDOT have no, and will have no, responsibility for the maintenance, repair, or replacement of private roads. Further, please note that sales brochures or other literature and documents provided by the seller of lots served by such private roads shall include information regarding responsibility for maintenance, repair, replacement, and covenants pertaining to such lots including a statement that the County has no, and will have no, responsibility for the maintenance, repair, or replacement of private roads (Section 3-710(A)).

IV. CONFORMANCE WITH ARTICLE VII REGULATIONS, AFFORDABLE DWELLING UNITS

Per Article VII of the Zoning Ordinance, the requirements of the Affordable Dwelling Unit Program shall apply to any site, or portion thereof, at one location which is (a) served by public water and sewer, and (b) the subject of an application for rezoning, special exception, site plan or preliminary subdivision which yields, as submitted by the applicant, fifty (50) or more dwelling units at an equivalent density greater than one unit per gross acre.

Per § 7-103, the Applicant is required to provide 6.25% affordable dwelling units and could avail of a 10% bonus density for multi-family units (§ 7-103(B)). Based on a gross acreage of 22.12 acres and a maximum permitted density of 24 units per acre in the R-24 district, staff concludes the following:

Total units allowed = $22.12 \times 24 = 530.88$

Bonus Density addition = $10\% \text{ of } 530.88 = 53$

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Total units permitted with bonus density = 583 (530+53)

6.25% minimum ADU required = 6.25% of 583 = 36.4 (37)

Total number of market rate units permitted = 546

The Applicant is proposing a total of 596 units including 38 affordable dwelling units. Please revise this as the total number of units proposed is more than permitted by Ordinance. It should be noted that the ADU calculation is based on the maximum density permitted in the underlying district (R-24) and not on the 28.8 units per acre of the R-24 ADU regulations (Section 7-1000).

A note must also be added to Sheet 1 of the rezoning plan that Affordable dwelling units shall be of a building type and of an architectural style compatible with residential units permitted within the zoning district and interspersed among market rate units in the proposed development. Further, please provide a note that pursuant to Section 7-104(B) dwelling dimensions and the number of bedrooms for affordable dwelling multi-family units shall be comparable to equivalent market rate units in the development.

V. CONFORMANCE WITH ZONING OVERLAY DISTRICT REGULATIONS

SECTION 4-1400 AIRPORT IMPACT (AI) OVRELAY DISTRICT

- a) The subject Property lies within the Airport Impact (AI) Overlay District, within the A-I overlay district, but outside the Ldn 60 contour. For all residential units to be constructed outside of, but within one mile of the Ldn 60, the Applicant shall disclose in writing to all prospective purchasers that they are located within an area that will be impacted by aircraft overflights and aircraft noise.
- b) In addition, the Applicant should note that Section 4-1405 Disclosure states: "A disclosure statement shall be placed on all subdivision plats, site plans, and deeds to any parcel or development within the AI district, clearly identifying any lot which is located within the AI district and identifying the component of the AI District in which the lot is located".

VI. MODIFICATIONS

The Applicant has requested a number of modifications, to include a modification of the minimum required front yard, side yard and the FSM regulation. It should be noted that pursuant to Section 7-1003(C)(4) the minimum yard requirements for affordable dwelling unit developments may be modified by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 6-1300 of this Ordinance. Therefore, as noted earlier, a special exception application must be submitted and requested in accordance with the requirement of this section. The special exception application may be submitted and processed concurrently with the rezoning application.

It should be noted that the ordinance reference provided by the applicant (Section 6-1504) on page 18 of the Statement of Justification is applicable only to PDH rezonings, not R district rezonings and therefore should be revised.

The proposed modifications requested are as follows:

(1) 7-1003(C)(1) Yards – Front

Proposed Modification - Request modification to permit the reduction of the required minimum front yard from 25 feet to 18 feet adjacent to a property line or private access easement.

Applicant's Justification –The Applicant states that it is seeking to achieve an innovative design resulting in a unified and compact residential development allowing reduced distances between buildings and property lines.

Staff comment –It is not clear as to what the extent of the modification is. Staff asks that the Applicant identify the location and depict the extent of the modification on the CDP. It is also not clear as to whether the project will be developed as a single parcel or multiple parcels. If developed as a single parcel, then the front yard requirements would apply adjacent to Waxpool Road, Shellhorn Road, Ashburn Village Boulevard, the Dulles Greenway Ramp and the proposed 30 foot access easement to the west of the property. The minimum 25 foot front yard must be measured from the edge of the private access easement and the road right of way. If the site is to be developed as multiple lots, then it appears that the Applicant may not meet the requested 18' yard from private access easements. Please clarify this and clearly depict on the CDP public streets, private streets, private access easement and travel ways.

(2) 7-1003(C)(2) Yards- Side

Proposed Modification - Request modification to permit the reduction of the required side yard from 25 feet minimum on corner lots to 10 feet

Applicant's Justification – The Applicant states that it is seeking to achieve an innovative design resulting in a unified and compact residential development allowing reduced distances between buildings and property lines.

Staff comment – It is not clear as to what the extent of the modification is. Staff asks that the Applicant identify the location and depict the extent of the modification on the CDP.

(3) FSM .4.330A.3 Private Streets –

Proposed Modification - Request modification to reduce the travel way inside radius from 25 feet to 15 feet.

Applicant's Justification – The Applicant states that it is seeking to achieve an innovative design resulting in a unified and compact residential development allowing reduced distances between buildings and property lines.

Staff comment –This request is considered an FSM Waiver which is typically done at the time of site plan or subdivision and requested from the Director of Building and Development. Zoning staff recommends that the Applicant submit this request to the Engineering Division of Building and Development through the project

manager. The Applicant must provide the design of the roadways and traffic distribution for the development. Further, the road type must also be specified with the modification request.

VII. CONFORMANCE WITH ADDITIONAL REGULATIONS & STANDARDS

A. SECTION 5-1100, OFF-STREET PARKING & LOADING REQUIREMENTS

Sheet 3 notes that an average of 1.65 spaces/unit is estimated for the development. In order to evaluate impacts and assure that the required number of parking and loading spaces can be provided, and to avoid the possibility of nonconformance issue with the Plat at the time of Site Plan, staff recommends that the **required** and **proposed** parking and loading spaces for all uses be provided at this time. It should be noted that with regard to residential uses, garages and driveway count towards parking spaces. The application should include the number of bedrooms for all multi-family units, since parking tabulations are calculated based on bedroom count (§ 5-1102(E)). For example, a one bedroom unit requires 1.5 parking spaces/unit and a two or three bedroom unit requires 2 parking spaces/unit.

B. SECTION 5-1300, TREE PLANTING AND REPLACEMENT

At Final Site Plan, the planting and replacement of trees on-site to the extent that, at maturity of ten (10) years, minimum tree canopy shall be ten (10) percent for sites zoned R 24.

Since this site has existing vegetation, it is recommended that the applicant ensure and proffer that existing viable stands of trees will be preserved to the greatest extent possible and denote this on the CDP (Sheet 3).

C. SECTION 5-1400, BUFFERING AND SCREENING -

1. The presentation and approval of a landscape plan is addressed at site plan. However comments on the utilization of existing vegetation to meet buffer planting requirements should be placed in the Notes.
2. The Applicant will be required to provide peripheral parking lot landscaping at the time of site plan, in accordance with Section 5-1413 (C) of the Zoning Ordinance, or the required buffer yard, whichever is greater.
3. The Applicant will have the option of requesting a modification or waiver of the required buffer yard by the Zoning Administrator at the time of site plan, pursuant to Section 5-1409 of the Ordinance, unless a specific condition of approval is added prohibiting such a request.

VIII. PROFFER STATEMENT:

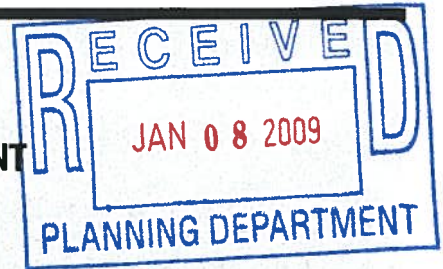
1. The Applicant has not provided any proffers to date. Zoning staff notes that if the Applicant wishes to submit proffers for consideration of this application, they are required to be submitted as part of the Applicant's response to the first written review of the issues of this application (6-1209(A)(1)), and no later than 45 calendar days prior to the scheduled public hearing before the Board of Supervisors (6-1209(A)(2)). Zoning staff requests a review of these proffer statements.
2. If proffers are submitted, Staff recommends that, for the purpose of future interpretation, administration and enforcement, each proffer should be written to specifically and clearly communicate: 1) the intent of the proffer; 2) who is responsible for fulfilling the proffer; 3) what is being proffered; 4) where the proffer applies; and 5) when the proffer is to be initiated and completed.
3. Finally, it is noted that most of the parcels were part of a rezoning application ZMAP 2003-0013 approved November 16, 2004 together with proffers dated June 28, 2004 revised through October 6, 2004 and letter of clarification dated November 8, 2004. These proffers remain in full effect unless partially or fully superseded by newly proposed proffers with this application. Please clarify.

IX. OTHER ISSUES/COMMENTS:

1. On the Cover Sheet, in the Notes Section, the tax map number for PIN #088-25-2998 is incorrect. Please denote the correct Loudoun County tax map number.
2. The application must clearly distinguish and label the public, private streets and travel ways in the development. Provide the existing and/or ultimate right-of-way width where applicable.
3. Pursuant to Article 8, definitions, "active recreation space" includes tennis courts, swimming pools, tot-lots, outdoor games and sports activities etc. Designate on the CDP, the location and types of active recreation uses and include this in the Proffer Statement.
4. On Sheet 4, please revise the legend to clearly distinguish sidewalks from trails. Also denote the width of the proposed sidewalks and trails on the plan. It is noted that the location of some sidewalks/trails shown on sheet four of the Concept Plan differ from those shown on sheet five. Further, the applicant's Statement of Justification indicates that the multipurpose trail will be eight feet in width while the Concept Plan indicates that it will be ten feet in width. Correct/clarify this inconsistency.
5. On Sheet 3, it appears that the property line straddles the private street. Address the issue of how peripheral lot landscaping and buffer yard will be met.

6. It appears that Ryan Place is a prescriptive easement and a portion of it is proposed to be abandoned. Please include this in the proffer statement and ensure that all necessary steps will be taken to abandon that portion of the road when the alternate road is constructed.
7. On the CDP (Sheet 3), the Applicant proposed a 25 foot Type I Front Buffer as well as a Type II Front Buffer adjacent to Ashburn Village Boulevard. Please clarify this.
8. Depict the minimum required front yard on the CDP (Sheet 3) adjacent to Shellhorn Road on the southeast side of the property.
9. Provide the required minimum 25 foot front yard adjacent to the proposed private access easement.

COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
REFERRAL MEMORANDUM



DATE: January 7, 2009
TO: Nicole Steele, Project Manager
FROM: Eric Jewell, Planner, B&D Planning Division *EJ*
THROUGH: Michael Seigfried, Assistant Director *MS*
CASE NUMBER AND NAME: ZMAP-2008-0007 Fairfield at Ryans Corner

LCTM (MCPI):	Tax Map	/79////////19/	MCPI	(119-30-8632)
	Tax Map	/79////////20/	MCPI	(088-35-1337)
	Tax Map	/79////////20A	MCPI	(119-30-7007)
	Tax Map	/79////////20B	MCPI	(199-30-6135)
	Tax Map	/79////////20C	MCPI	(199-30-9304)
	Tax Map	/79////////21/	MCPI	(088-25-2998)
	Tax Map	/79////////22/	MCPI	(119-20-6350)
	Tax Map	/79////////23/	MCPI	(119-20-8059)
	Tax Map	/79////////24/	MCPI	(088-25-6368)

PLAN SUBMISSION NUMBER: 2nd Submission

This proposal is to rezone approximately 22.5 acres from R-1 and R-16 to R-24 ADU, to permit construction of 540 (previously proposed for 596) multi-family dwelling units, 34 (previously 38) of which will be ADU's. The applicant has also requested a Special Exception (SPEX-2008-0057) to allow several modifications to Section 7 of the Revised 1993 Zoning Ordinance.

Previous Comments

All previous comments have been addressed with the exception of:

1. Previous comment 10.

The applicant should clarify exactly how the required 114,600 square feet of active recreation space is being provided. By our calculations, the two pools, two tot lots and the clubhouse/bathhouse (please note that only active recreation related portions of the clubhouse will be counted toward the active recreation requirements) provide at most only one third to one half of the required active recreation space.

The applicant should provide a specific tabulation on the plan showing how the 104,200 square feet of active recreation space is being provided. The applicant appears to be indicating that all of the two interior courtyards (2.4 acres) will be active recreation space. While some of this space (pools, tot lots, etc.) will meet the definition of active recreation space contained in the Zoning Ordinance, it is unclear how the remaining area that contains no facilities would qualify as active recreation space. In addition, it appears that the applicant is including several trails as active recreation. Trails generally do not qualify as active recreation space.

New Comments- Proffers

1. The trigger for proffers 8B, 8D, 11, 12, 19, 20 and 24 should be revised from "prior to issuance of first certificate of occupancy" to "prior to site plan approval". Physical improvements should be bonded with the site plan while cash contributions are generally provided at zoning permit.
2. Cash contributions should be provided at zoning permit, not occupancy permit. Therefore, the trigger for proffers 8C, 18A and 25 should be revised from "prior to issuance of first certificate of occupancy" to "prior to issuance of the first zoning permit".
3. Please clarify proffer number 18A. Has this improvement already been completed? Is the County being reimbursed for money already spent by the County?
4. Proffer 18B appears to be unenforceable and ambiguous. If enhanced crosswalks are to be provided within this development, than the proffer should be revised to clearly indicate that enhanced crosswalks will be provided.
5. Please clarify when proffer number 26 is triggered and who/how it will be reviewed and approved.
6. Proffer number 28 should be revised to reference both preliminary subdivision plans and site plans ("... of submission of any preliminary subdivision plans **or site plans.**").

Thank you for the opportunity to review and comment on this application. Please feel free to contact me (703) 777-0538 or e-mail eric.jewell@loudoun.gov if you have any questions.

COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
REFERRAL MEMORANDUM



DATE: July 22, 2008
TO: Nicole Steele, Project Manager
FROM: Eric Jewell, Planner, B&D Planning Division *EJ*
THROUGH: Michael Seigfried, Assistant Director
CASE NUMBER AND NAME: ZMAP-2008-0007 Fairfield at Ryans Corner

LCTM (MCPI):	Tax Map	/79////////19/	MCPI (119-30-8632)
	Tax Map	/79////////20/	MCPI (088-35-1337)
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	Tax Map	/79////////20C	MCPI (199-30-9304)
	Tax Map	/79////////21/	MCPI (088-25-2998)
	Tax Map	/79////////22/	MCPI (119-20-6350)
	Tax Map	/79////////23/	MCPI (119-20-8059)
	Tax Map	/79////////24/	MCPI (088-25-6368)

PLAN SUBMISSION NUMBER: 1st Submission

This proposal is to rezone approximately 22.12 acres from R-1 and R-16 to R-24 ADU, to permit construction of 596 multi-family dwelling units, 38 of which will be ADU's. The applicant is also requesting modifications to Section 7 of the Revised 1993 Zoning Ordinance.

1. The applicant should clarify the acreage of the area being rezoned. The Statement of Justification indicates that the area being rezoned is 22.12 acres while the Land Use Summary at the top right corner of sheet number three of the Concept Plan indicates that it is 22.5 acres (due to the inclusion of 0.4 acres of proposed dedication along Waxpool Road).
2. It appears that the applicants' proposed total number of units (596) exceeds the 10% density increase (to 26.4 units per acre) permitted for inclusion of Affordable Dwelling Units in this development (RZO § 7-103(B)(1)). Depending on the actual acreage being rezoned (see comment one above), the maximum number of lots should not exceed 583 (if the total acreage is 22.12 as indicated in the Statement of Justification) or 594 (if the total acreage is 22.5 as indicated on the Concept Plan).

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3. It appears that the applicant will need to provide additional right-of-way along Shellhorn Road in order to accommodate the southbound right turn lane and main entrance into the development. Most of the necessary dedication appears to be on a strip of land located between the applicant's property and Shellhorn Road. This property is owned by the Flynn's Crossing Homeowners Association. How does the applicant propose to acquire this right-of-way? Has the applicant approached the Flynn's Crossing HOA about this issue?
4. Is the land owned by the Flynn's Crossing HOA that is needed for the right turn lane and main entrance into the development encumbered by any kind of open space easement? Was it counted toward any kind of open space requirements for that development? If the answer to either of these questions is yes, the applicant's ability to use this land for right-of-way may be impacted.
5. Why is the applicant proposing three separate gated entrances on the main entrance road (from Shellhorn Road) instead of a single entrance after turning into the development? The applicant should be aware that any future changes in the number or general location of gated entrances from what is shown on the Concept Plan may lead to questions of conformance at time of Site Plan.
6. What is the purpose of the parking spaces outside of the gated area on the entrance road leading from Shellhorn Road? Since it is private property, but outside of the gated area, who would use these spaces? We do not believe that these spaces should be counted toward the minimum required parking requirements since they are outside of the "gated" portion of the development and unlikely to be of practical use to residents or visitors.
7. The applicant appears to be requesting a waiver of section 4.330.A.3 of the Facilities Standards Manual (FSM). We note that typically FSM waivers are requested from the Director of the Department of Building and Development (through the standard FSM Waiver process) at time of site plan or subdivision. As to the specifics of the request, we would not be in favor of granting the waiver. While we defer to the findings of the Department of Fire, Rescue and Emergency Management regarding access, it is our opinion that some elements of the current parking lot/internal road design (based on the FSM Waiver) do not allow for sufficient emergency access by large fire/rescue equipment.
8. Has the applicant applied for a Special Exception for the two requested Zoning Ordinance Modifications as required by RZO § 7-1003(C)(4)? We note that the ordinance reference provided by the applicant (RZO § 6-1504) on page 18 of the Statement of Justification is applicable only to PDH rezonings, not R district rezonings.
9. The applicant should further explain the need for the proposed modifications. Will this project be developed on a single parcel or multiple parcels? If a single parcel, it does not appear that the existing yard requirements from the property lines (which would be the perimeter of the property) would create a problem. Additionally, if a single parcel, it does not appear that private access easement would be necessary. If the site is to be developed with multiple parcels, we question how the applicant would meet their requested 18' yards from private access easements when many of the buildings appear to touch (garages?) the area that would be under easement. Under this scenario, the applicant may be best served to

modify the yard requirements back to the standard R-24 district requirements (RZO § 3-706(C)(1) and (2)) which specify a "Yard" measurement from the centerline of the travelway.

10. The applicant should clarify exactly how the required 114,600 square feet of active recreation space is being provided. By our calculations, the two pools, two tot lots and the clubhouse/bathhouse (please note that only active recreation related portions of the clubhouse will be counted toward the active recreation requirements) provide at most only one third to one half of the required active recreation space.
11. We note that the location of some sidewalks/trails shown on sheet four of the Concept Plan differ substantially from those shown on sheet five.
12. The applicant's Statement of Justification indicates that the multipurpose trail (running along the public roads on three sides of the property) will be eight feet in width while the Concept Plan indicates that it will be ten feet in width. The applicant should clarify this.
13. Due to the relatively high density of this proposal and relatively close proximity to the planned Route 772 Metro Station, we recommend that the applicant provide a (future) bus stop with shelter along one of the public roads (most likely near the main entrance along Shellhorn Road). This stop could serve not only local or regional bus routes, but also any future circulator system to the proposed Metro station and surrounding developments.

Thank you for the opportunity to review and comment on this application. Please feel free to contact me (703) 777-0538 or e-mail eric.jewell@loudoun.gov if you have any questions.

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**COUNTY OF LOUDOUN
PROFFER MATRIX TEAM**

MEMORANDUM

DATE: February 27, 2009

TO: Nicole Steele, Project Manager

FROM: Daniel Csizmar, Capital Facilities Planner

SUBJECT: 3rd Proffer Referral Comments
(ZMAP-2008-0007, Fairfield at Ryan's Corner)

This memorandum is in response to your request for 3rd referral comments regarding the revised proffer statement submitted for ZMAP-2008-0007, Fairfield at Ryan's Corner, dated February 13, 2009.

[Proffer 8.B] Staff would like to ensure that the cost of obtaining all off-site right-of-way, easements, and the construction of a full-section improvement of Waxpool Road (Route 625) from its intersection with Shellhorn Road to its intersection with Faulkner Parkway is fully provided by the Applicant. Please revise the proffer statement to provide that in the event the off-site right-of-way for Waxpool Road cannot be obtained by the Applicant through good faith efforts, the Applicant will request the County acquire all necessary easements and right-of-way through appropriate eminent domain proceedings. All costs associated with the eminent domain proceedings will be borne by the Applicant, including all applicable land acquisition costs as determined by the court. Prior to the approval of the first zoning permit, the Applicant shall bond and construct a full-section improvement of Waxpool Road (Route 625) from its intersection with Shellhorn Road to its intersection with Faulkner Parkway.

[Proffer 15] Please clarify who will be responsible for the maintenance of the private road currently identified as Ryan Corner Place. The road is located on and off of the zoning map amendment area. Please note that maintenance of the road will not be the responsibility of the County.

[Proffer 17] Please clarify whether the width and materials of the proposed trails are as recommended by the Revised General Plan or by the County's Facilities Standards Manual.

[Proffer 25] Please note, capital facility credits are only granted for the value of any proffered land dedication to the County that meets the County's Capital Facility Standards for capital facility development. The request to allow a \$50,000 to be used for improvements to park facilities in the Ashburn Planning Subarea area can not be granted an automatic capital facility credit, but must obtain the approval of the Loudoun County Board of Supervisors to be obtained.

If you have any questions concerning this correspondence, please call me at (703) 771-5997.

ATTACHMENT 1d

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**COUNTY OF LOUDOUN
PROFFER MATRIX TEAM**

MEMORANDUM

DATE: December 31, 2008

TO: Nicole Steele, Project Manager

FROM: Daniel Csizmar, Capital Facilities Planner

SUBJECT: **Proffer Referral Comments
(ZMAP-2008-0007, Fairfield at Ryan's Corner)**

This memorandum is in response to your request for 2nd referral comments regarding the revised proffer statement submitted for ZMAP-2008-0007, Fairfield at Ryan's Corner, dated November 10, 2008.

[Proffer 4] Please revise the proffer statement to provide that the Capital Facilities Contribution will be used at the discretion of the County for the development of capital facilities in the Ashburn Planning Subarea of the County.

Please note, capital facility credits are only granted for the value of any proffered land dedication to the County that meets the County's Capital Facility Standards for capital facility development.

The request to allow a \$50,000 to be used for improvements to park facilities in the Ashburn Planning Subarea area can not be granted an automatic capital facility credit, but must obtain the approval of the Loudoun County Board of Supervisors to be obtained.

[Proffer 8.A] Please revise the proffer statement to change the regional road contribution amount proffered to the County to reflect the higher density being proposed by this application, 540 multi-family residential units. The regional road contribution amount currently being proposed in Proffer 8.A is based upon a lower number of residential units, 197 units, that are provided as part of two previously approved applications that are proposed to be superseded by ZMAP-2008-0007. The regional road contribution should reflect the higher density proposed by ZMAP-2008-0007. Please provide that the regional road contributions will be used towards regional road improvements in the Ashburn Planning Subarea.

[Proffer 8.B] Please revise the proffer statement to provide that in the event the off-site right-of-way for Waxpool Road cannot be obtained by the Applicant through good faith efforts, the Applicant will request the County acquire all necessary easements and right-of-way through appropriate eminent domain proceedings. All costs associated with the eminent domain proceedings will be borne by the Applicant, including all applicable land acquisition costs as determined by the court.

Please revise the proffer statement to state that prior to the issuance of the first occupancy permit,

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the Applicant will dedicate all right-of-way, bond for construction and construct a half section improvement of Waxpool Road (Route 625) from its intersection with Shellhorn Road (Route 643) to its intersection with Faulkner Parkway. Fulfillment of the proffers will be contingent upon the construction of all proffered roads, sidewalks and trails as depicted on the CDP.

[Proffer 8.D] Please revise the proffer statement to state that prior to the issuance of the first occupancy permit, the Applicant will obtain all right-of-way, bond for construction and construct the proffered 5-foot sidewalk along the eastern side of Shellhorn Road from its intersection with Waxpool Road to its intersection with Ashburn Village Boulevard. Fulfillment of the proffers will be contingent upon the construction of all proffered roads, sidewalks and trails as depicted on the CDP. Please provide that the \$40,400 cash in lieu of construction contribution will be used at the County's discretion for trail improvements, or regional road improvements in the Ashburn Planning Subarea.

[Proffer 9] Please revise the proffer statement to provide that the transit service contributions will be used towards transit improvements, transit enhancements and/or regional road improvements in the Ashburn Planning Subarea.

[Proffer 10 & 11] Please revise the proffer statement to state that prior to the issuance of the first occupancy permit, the Applicant will dedicate all right-of-way, bond for construction and construct a half-section of Waxpool Road along the property's frontage, with all required turn lanes, adequate transitions and necessary easements. Fulfillment of the proffers will be contingent upon the construction of all proffered roads and trails as depicted on the CDP.

Please revise the proffer statement to provide that a Cash Equivalent Contribution amount will be provided in the event the section of Waxpool Road along the property frontage is constructed by another party. The cash equivalent contribution amount will be determined from all project construction costs to include engineering, surveying, bonding, permit fees, utility relocation, and other hard costs of construction based on actual costs expended as verified by invoices for project expenses by the party who accomplished the improvements. In the event that paid invoices for the work can not be obtained to verify actual costs expended for the transportation improvements, the cash equivalent contribution will be based upon County bonding estimates for said construction. The cash in lieu of construction contribution will occur at the time the Applicant would have otherwise been required to bond or construct such road improvements.

[Proffer 12] Please revise the proffer statement to state that the Applicant will bond for construction and construct all the turn lane improvements proposed in Proffer 12.

[Proffer 14] The County has recently approved a standard for public and private bus shelters installed in Loudoun County. Developers are encouraged to follow this bus shelter standard when installing shelters along fixed bus routes in Loudoun. The purpose of the standard is to reflect consistency of transit related products throughout the County.

Principal passenger-loading areas should be provided with shelters to protect public transit patrons. Because the shelter can be expanded relatively easily at a later date, provided sufficient platform space is installed initially, it is not critical to provide a shelter that accommodates all

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anticipated passengers at the time of original construction. It is more important to install at least the minimum standard size the County is requiring for bus shelters. Accessories that should be provided with the shelter include lighting, benches, route information, and trash receptacles.

The County will maintain bus shelters located in the public right-of-way. Bus shelters that are erected on private property will be maintained by the property owner with the following guidelines: trash is to be removed at minimum twice a week, all graffiti to be removed immediately from shelter, landscaping, if applicable, will be kept neat surrounding the shelter, and lighting will be in working order.

A large 16-foot long bus shelter shall be required to serve transfer points, commuter bus stops and other locations where high boarding concentrations are anticipated. A smaller 12-foot long bus shelter shall be provided in other locations.

Solar lighting shall be provided inside bus shelters with both timer and motion detector options. Exceptions may be made when other sources of lighting are available, i.e., overhead street light.

All frames, roof panels, hardware and accessories associated with the bus shelters on private property shall be the responsibility of the property owner to guarantee repair and/or replacement of worn-out/defective parts.

The County will supply appropriate schedules and/or brochures for placement in shelter display racks.

[Proffer 16] Please revise the proffer statement to provide that the Cash Equivalent Contribution amount will be determined from all project construction costs to include engineering, surveying, bonding, permit fees, utility relocation, and other hard costs of construction based on actual costs expended as verified by invoices for project expenses by the party who accomplished the transportation improvements in Proffers 8.B, 11, 12.A, 12.B, 12.D, 13 and 14. In the event that paid invoices for the work can not be obtained to verify actual costs expended for the transportation improvements, the cash equivalent contribution will be based upon County bonding estimates for said construction. The cash in lieu of construction contribution will occur at the time the Applicant would have otherwise been required to bond or construct such road improvements.

[Proffer 19] Please revise the proffer statement to state that the Applicant will bond for construction and construct all the trails proposed in Proffer 19.

[Proffer 21] Please revise the proffer statement to provide that the locations of the ADU units need to be dispersed throughout the market rate units on the property, and their location needs to be displayed on the record plat, as well as the final site plan.

[Proffer 23] Please revise the proffer statement to provide that the open space contributions will be used by the County to purchase open space, and/or provide active recreation facilities in the Ashburn Planning Subarea.

[Proffer 25] Please note, capital facility credits are only granted for the value of any proffered

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land dedication to the County that meets the County's Capital Facility Standards for capital facility development. The request to allow a \$50,000 to be used for improvements to park facilities in the Ashburn Planning Subarea area can not be granted an automatic capital facility credit, but must obtain the approval of the Loudoun County Board of Supervisors to be obtained.

Please revise the proffer statement to provide that the \$50,000 contribution will be used by the County to provide park amenities in the Ashburn Planning Subarea.

[HOA] Please stipulate that all sidewalks and trails located outside of the Public Road right-of-way will be maintained by the Homeowner's Association (HOA). The HOA will also be responsible for the maintenance and landscaping of all common areas and open space, trash removal and recycling services, snow removal, and the maintenance of private roads.

[Recycling] Recycling is mandatory in Loudoun County per Chapters 1084 and 1086 of the Loudoun County Codified Ordinance. Building design should include consideration for inside and outside storage of solid waste and recyclable materials to ensure future residents/commercial tenants are able to comply with the County recycling requirements. For non-residential establishments, Chapter 1084.08 (d) sets the minimum required storage capacity for recyclables at 25% of, and in addition to, the total planned solid waste storage capacity.

Additionally, developers and contractors are encouraged to establish a recycling plan for recyclable materials that will be generated during land clearing, construction and demolition.

[Litter Control and Prevention] Construction sites are required to have separate receptacles for construction waste and workers' litter per Chapter 1088.08(b) of the Loudoun County Codified Ordinance.

If you have any questions concerning this correspondence, please call me at (703) 771-5997.

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COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
MEMORANDUM

DATE: July 22, 2008

TO: Nicole Steele, Planning Services

FROM: Daniel Csizmar, Capital Facilities Planner

THROUGH: Proffer Matrix Referral Team

SUBJECT: ZMAP-2008-0007, Fairfield at Ryan's Corner



This memorandum is in response to your request for a 1st referral capital facility analysis of ZMAP-2008-0007, Fairfield at Ryan's Corner.

The zoning map amendment area is subject to the approved proffers of two previous zoning map amendments – ZMAP-2003-0013, Pulte Ryan's Corner, and ZMAP-2003-0003, Huntmore at Waxpool. There has been no development associated with either approved zoning map amendment. According to the County's Land Management Information System, all of the proffers are still pending.

Since no development has taken place on the property as a result of ZMAP-2003-0003 and ZMAP-2003-0013, the proffer statement for ZMAP-2008-0007 either: 1.) needs to keep in full force and effect the previously approved proffers for ZMAP-2003-0003 and ZMAP-2003-0013 and devise proffers related to the increase in density from R-16 to R-24, or 2.) supersede all previously approved proffers and determine capital facility contributions reflecting the change in density from the original underlying zoning of the property prior to the approval of ZMAP-2003-0003 and ZMAP-2003-0013 to R-24. In other words, if the decision is made that the proffer statement for ZMAP-2008-0007 should supersede all previous pending proffers associated with ZMAP-2003-0003 and ZMAP-2003-0013, then the proffer statement for ZMAP-2008-0007, Fairfield at Ryan's Corner, should incorporate all capital facility contributions and other proffered conditions as though the property is being developed from its original zoning prior to the approval of ZMAP-2003-0003 and ZMAP-2003-0013 (R-1, R-2, RC, CR-1 and PD-OP) to R-24.

The proposed zoning map amendment is located in the Ashburn Planning Subarea. The County has many capital facility needs in the Ashburn Planning Subarea that can be addressed through proffered land dedications. A table of the County's capital facility needs in the Ashburn Planning Subarea, and the required acreage for each type of facility, is provided below:

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Land-Acreage	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Government Service Center							2.5			
Regional Park & Ride Lot							7			
Community Park & Ride Lot							3			
Pet Adoption Center										5
Fire & Rescue Station 29						5				
Transitional Independent Living						3				
Transitional Homeless Shelter										2
Emergency Homeless Shelter					1.5			1.5		
Recreation Center									15	
Senior Center						5				
Teen Center					5					
Regional Park					200					
District Park								75		
Community Park				30	30	30	30	30	60	60
Library									7.5	
Recycling Dropoff Center							0.25			
Total Acreage	0	0	0	30	236.5	43	42.75	107	82.5	67

The County's population is projected to increase by an estimated 885 people above the current base density as a result of the proposed zoning map amendment. However, given that the total acreage of the proposed zoning map amendment is only 22.12 acres and is solely multi-family residential, the County will not be requesting any proffered land dedications. Most of the County's capital facility standards for proffered land dedications require over 5 acres. Furthermore, many of the County's capital facility needs that require less than 5 acres are best suited in commercial or retail areas. The County's need for proffered land dedications in the Ashburn Planning Subarea can not be accommodated by this zoning map amendment application.

Please note, the Statement of Justification reports that the total acreage of the zoning map amendment area is 22.12 acres. The County Assessor's system reports that the total current acreage of the nine parcels that comprise the zoning map amendment area is 22.18 acres.

Please feel free to contact me with any questions you may have at (703) 771-5997.

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DEPARTMENT OF BUILDING AND DEVELOPMENT

COUNTY OF LOUDOUN

MEMORANDUM

DATE: December 30, 2008

TO: Mark Stultz, Zoning Administration
Rory Toth, Zoning Administration

FROM: William Marsh, Environmental Review Team Leader

THROUGH: Gary Clare, Chief Engineer

CC: Sarah Milin, Department of Planning
Dana Malone, County Urban Forester

SUBJECT: ZMAP-2008-0007 Fairfield at Ryans Corner

The Environmental Review Team (ERT) reviewed this application on August 26, 2008, and visited the site on July 28, 2008. Our comments pertaining to the second submittal are as follows:

Regarding tree resources, open space and buffers

1. The applicant has expressed interest in considering transplanting healthy, invigorated trees to proposed open space areas and in planting along road frontages. Draft proffers 30 and 31 address these issues. Staff recommends more specific details and is available to work with the applicant on these issues.

Regarding green building

2. In response to the first referral, the applicant expressed an interest in pursuing green building design features with this application. Staff looks forward to working on this with the applicant, including design for recreation facilities. Staff also inquires as to whether the proposed swimming pools will be open year-round (heated or enclosed.)

Wetlands

3. Note 30 of Sheet 1 of the rezoning application specifies several jurisdictional determinations (j-d) affecting the project area. The applicant's responses also indicate that all wetland permits have been approved. Staff has met with the Corps of Engineers and could not verify whether j-d's and/or permits have been issued for the entire project area. Staff recommends a meeting with the applicant to compare notes and clarify this issue.

Noise impacts

4. The applicant has agreed to perform a noise study to account for road traffic, as recommended during the first review and shown on draft proffer 33. Staff recommends the following traffic study features that have been considered in previous applications:

- Submitting the traffic study concurrent with the first site plan or construction plan submittal, sealed by a professional engineer.
- Performing the study based on the ultimate road configuration as defined in the Revised Countywide Transportation Plan and the ultimate design speed. Traffic volumes for these roadways are consistent with either the 2030 forecast from the Loudoun County Transportation Forecasting Model or volumes projected at a time 10-20 years from the start of construction as confirmed by the Office of Transportation Services, based on the latest horizon year.
- Where noise attenuation measures are needed, giving priority to passive measures (to include adequate setbacks, earthen berms, wooden fences, and vegetation) over structural measures (to include sound walls.)
- Noise attenuation measures that reduce noise levels to less than impact levels (2 decibels less than the Noise Abatement Criteria) and that result in a noise reduction of at least 5 decibels.

Bicycle-pedestrian connectivity between developments

5. Staff has reviewed the bicycle and pedestrian commitments offered by the applicant with this submittal. The following recommendations are consistent with Pedestrian and Bicycle Facility Policy 5 of the Countywide Transportation Plan and land development policy 6 of the Bicycle and Pedestrian Mobility Master Plan:

- Staff recommends clarifying whether bicycle and pedestrian access through the site is available at all hours of the day. This is not clear with this current submittal.
- Staff concurs with the Community Planner about improving pedestrian access across Ashburn Village Boulevard to the Ryan Park Center. Staff also recommends a multi-use trail be shown around the perimeter of the existing stormwater pond. A maintenance path has to be maintained around the perimeter regardless of whether the applicant agrees to this recommendation.
- Staff recommends widening two of the east-west oriented 5-foot sidewalks to multi-purpose trails to improve connectivity between the residential development east and west of the site. Staff also recommends a multi-use trail along the western boundary of the project area. The widened trails would

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further justify the zoning modification request for reduced front and side yards.

- Staff commends the applicant for offering 80 secure, bicycle parking spaces, approximately one storage space for 14.8 percent of the 540 units. A design guideline included in Leadership in Energy and Environmental Design (LEED) encourages secure bicycle storage for at least 15 percent of all residential occupants (see Credit 4.2 in the New Construction Technical Reference Manual.) Staff recommends increasing the available spaces to about 100 spaces, thereby providing parking for 18.5 percent of all units. Staff also recommends that the parking spaces be covered to protect equipment from the elements.

Regarding stormwater management

6. Staff has reviewed the stormwater responses and commitments offered by the applicant with this submittal and provides the following recommendations:
 - Staff recommends removing draft proffer 28, which only provides commitments to meet existing stormwater regulations. As currently worded, this proffer is already a requirement under state and local laws and ordinances.
 - Staff recommends applications of bioretention areas throughout the site to augment the stormwater benefit provided by a pond retrofit. Bioretention areas that are included in open space areas and pocket parks do not require permanent irrigation, thereby furthering water conservation on site, consistent with Surface Water Policy 2 of the Revised General Plan, page 5-17.

Staff would appreciate the opportunity to meet with the applicant and the engineer to engage in additional discussion regarding these issues. Please contact me if you need any additional information as you complete your review.

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DEPARTMENT OF BUILDING AND DEVELOPMENT

COUNTY OF LOUDOUN

MEMORANDUM

DATE: September 5, 2008
TO: Val Thomas, Zoning Planner *W*
FROM: William Marsh, Environmental Review Team Leader *W*
CC: Sarah Milin, Community Planner

SUBJECT: ZMAP-2008-0007 Fairfield at Ryans Corner

The Environmental Review Team (ERT) reviewed this application on August 26, 2008, and visited the site on July 28, 2008. Our comments pertaining to the current application are as follows:

Recommendations

Regarding tree resources, open space and buffers

1. In Chapter 5, the Revised General Plan (RGP) supports conservation of forest resources during development. However, the most significant tree resources on this site are stands of green ash that are susceptible to emerald ash borer, leaving the future of these tree stands in doubt even if development does not occur. Consequently, staff recommends the following measures to maintain tree resources on site:
 - ERT concurs with the Community Planning recommendation to enlarge interior open space, including for tot lots and other outdoor public areas. Consider transplanting invigorated, open grown canopy trees not susceptible to ash borer to the open space areas to enrich tree canopy and shade opportunities.
 - Staff also recommends more robust planting densities adjacent to roads that surround the site, including consideration of vegetation schedules used in Type 4 or Type 5 buffers.

Regarding green building

2. Several green building standards for residential development promote energy conservation and other green building goals, including but not limited to Energy Star, EarthCraft Virginia, LEED for Homes, and standards being formulated by the

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Bicycle-pedestrian connectivity between developments

5. Staff is concerned about building gated communities in areas planned to support transit, because such gates may discourage bicycle and pedestrian mobility between adjacent commercial and residential developments. Plan policies support more open access. Pedestrian and Bicycle Facility Policy 5 of the Countywide Transportation Plan directs development to "show safe, direct and barrier-free pedestrian and bicycle circulation systems. These systems will address circulation within the development as well as connections to adjacent properties." (p.2-9) Land development policy 6 of the Bicycle and Pedestrian Mobility Master Plan further directs development to "provide bicycle and pedestrian access through the development in various directions, so as to prevent it from becoming a barrier between other trip origins and destinations within the community." (p.33)

Regarding stormwater management

6. ERT concurs with Community Planning's recommendation of retrofitting the existing dry pond to a retention pond while also providing infiltration measures uphill of the pond. Building and Development has approved CPAP-2005-0088, Glenhaven Sections 1 and 2, where the existing dry pond would be retrofitted to a wet pond, providing Best Management Practices (BMP) treatment for much of this project area. The CPAP does not include BMP design for the Huntmoore at Waxpool site or the Cherok property. ERT suggests distributing bioretention basins (with underdrains as needed) throughout the project site to account for the Huntmoore and Cherok areas while retrofitting the existing pond as previously proposed.

Staff would appreciate the opportunity to meet with the applicant and the engineer to engage in additional discussion regarding these issues. Please contact me if you need any additional information as you complete your review.

A-110



Loudoun County Health Department

P.O. Box 7000
Leesburg VA 20177-7000




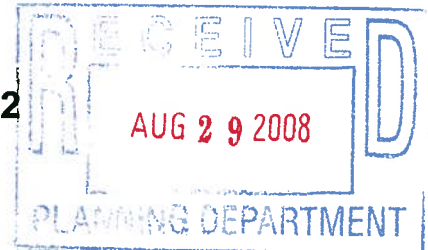
Environmental Health
Phone: 703 / 777-0234
Fax: 703 / 771-5023

Community Health
Phone: 703 / 777-0236
Fax: 703 / 771-5393

27 August 2008

MEMORANDUM TO: Nicole Steele, Project Manager
Department of Planning, **MSC 62**

FROM:  Matthew D. Tolley
Sr. Env. Health Specialist
Division of Environmental Health, **MSC 68**



SUBJECT: **ZMAP 2008-0007; Fairfield at Ryan Corner**
LCTM: 79/24 (PIN 088-25-6368)

The Health Department recommends approval of this application. The proposed development will utilize public sewer and water. An old well still exists and will have to be abandoned prior to any site plan approval. The plat reviewed was prepared by Bowman Consulting and was revised 26 June 2008.

Attachments Yes ___ No X

If further information or clarification on the above project is required, please contact Matt Tolley at 771-5248.

MDT/JEL/mt
c:subdvgd.ref



ATTACHMENT 1f

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Loudoun County, Virginia
Department of Fire, Rescue and Emergency Management

803 Sycolin Road, Suite 104 Leesburg, VA 20175
Phone 703-777-0333 Fax 703-771-5359



Memorandum

To: Nicole Steele, Project Manager
From: Maria Figueroa Taylor, Fire-Rescue Planner
Date: January 7, 2009
Subject: Fairfield at Ryan's Corner
ZMAP 2008-0007, Second Referral



Thank you for the opportunity to review the Applicant's response to Fire-Rescue's first referral comments dated September 8, 2008. The Applicant adequately addressed staff's concerns with the second submission. Staff has no further comments regarding this application.

If you have any questions or need additional information, please contact me at 703-777-0333.

C: Project file

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LOUDOUN COUNTY, VIRGINIA
Department of Fire, Rescue and Emergency Management
803 Sycolin Road, Suite 104 Leesburg, VA 20175
Phone 703-777-0333 Fax 703-771-5359



MEMORANDUM

To: Nicole Steele, Project Manager
From: Maria Figueroa Taylor, Fire-Rescue Planner
Date: September 8, 2008
Subject: Fairfield at Ryan's Corner
ZMAP 2008-0007



Thank you for the opportunity to review the above-captioned application. The Fire and Rescue Planning Staff respectfully requests that the applicant demonstrate adequate circulation of emergency vehicles throughout the parking lot and that emergency vehicles will be able to reach all sides of the proposed buildings.

Fire and Rescue is concerned that access to the development during an emergency would be compromised if the gates are not working properly or if we do not have proper access codes to enter the development. Any delays accessing the community would increase the response time of emergency apparatus; therefore, we would prefer that the applicant consider alternatives to a "gated community". If that is not a possibility Fire and Rescue recommends the following steps be taken to assist emergency response and eliminate delays at gated access points:

- Fire and Rescue should be provided with a universal access code.
- Some sort of automatic gate-opening device should be supplied for all Fire and Rescue vehicles: activated by either light or sound transmission.
- The ECC should be given a telephone number to remotely activate the gates or residents should be given a telephone number to remotely activate the gates.

The Fire-Rescue Planning Staff received comments from the Ashburn Volunteer Fire and Rescue Company (Staff from the Moorefield Public Safety Center would be the first due responders to this site) and they respectfully requested that the applicant would consider a contribution to the fire/rescue volunteer company.

In addition to sharing the concerns as stated above, the AVFRC requested information regarding water supply (hydrant location) and proposed fire prevention systems for the facility. Staff understands that this issue can be better addressed at site plan and respectfully requests an opportunity to review at that time.

The Fire-Rescue GIS and Mapping coordinator offered the following information regarding estimated response times:

PIN	Project name	Ashburn VFRC Moorefield Station 23	Ashburn VFRC Moorefield Station 23 Travel Time
088-25-2998	Fairfield at Ryan Corner	Temporary Station Permanent Station	1 minute, 36 seconds 1 minute, 35 seconds

The Travel Times for each project were calculated using ArcGIS and Network Analyst extension to calculate the travel time in minutes. To get the total response time another two minutes were added to account for dispatching and turnout. This assumes that the station is staffed at the time of the call. If the station is unoccupied another one to three minutes should be added.

Project name	Approximate Response Time for Moorefield Station 23
Fairfield at Ryan Corner	3 minutes, 36 seconds (temp site) 3 minutes, 35 seconds (perm site)

If you have any questions or need additional information, please contact me at 703-777-0333.

C: Project file